

REMARKS

The office action of June 23, 2009, has been carefully considered.

It is noted that claims 10-12 and 15 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-7 and 9-11 are rejected under 35 U.S.C. 102(b) over the patent to Yee.

Finally, it is noted that claim 8 would be allowable if rewritten in independent form, and claims 12 and 15 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph and to be in independent form.

In view of the Examiner's rejections of the claims, applicant has canceled claim 2, and amended claims 1 and 10.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out

by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 10-12 and 15 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, Yee discloses an adjustable guard arrangement for a power tool. The guard member 40 of Yee is a long known component of a grinding tool. Its purpose is to protect the person operating the tool from the material being thrown off by the grinding tool. The guard member 40 of Yee cannot be pressed against the workpiece at three bearing points so as to be stable in two directions, as in the presently claimed invention. Furthermore, the guard member 40 of Yee is not a guide device as in the present invention. The guard member 40 is not intended to be placed against the workpiece as a guide during use of the tool, its only function is to direct material ground off the workpiece away from the operator. Even if the guard member 40 were to be used as a guide, it would not provide stability against

tilting in two directions, as in the present invention.

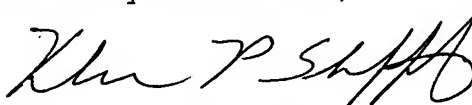
In view of these considerations it is respectfully submitted that the rejection of claims 1-7 and 9-11 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 23, 2009.

By:


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